

ORDINANCE NO. 2009-07

AN ORDINANCE, providing for the disposition of surplus personal property of the City of Wenatchee.

WHEREAS, the City Council has determined that it would serve the health, safety and welfare of the community to implement a policy for the disposition of surplus personal property.

NOW THEREFORE, the City Council of the City of Wenatchee, Washington, do ordain as follows:

SECTION I

Chapter 1.34 of the Wenatchee City Code is created to read as follows:

Chapter 1.34 Disposal of Surplus Personal Property.

1.34.010 Surplus property - Availability.

(a) The City Council will request departments to provide a listing of property surplus to their needs, including quantity, nomenclature, model, serial number, etc., and minimum bid price if desired. "Surplus" for purposes of this Chapter shall mean any tangible personal property owned by the City that is not needed at present or in the foreseeable future or that is no longer of value or use to the City.

(b) The City Council at a regular meeting thereof shall by resolution declare the property surplus to City needs and direct that it be made available for sale.

1.34.020 Notice of sale.

A notice of sale of City property shall be published in a City legal newspaper at least once a week for two consecutive weeks. Said notice shall generally describe the property,

designate the hour and day of the sale and the place of the sale. The sale shall be conducted within ten days of the date of final publication of the notice of sale.

Alternatively, a notice of sale may be published on the City's official website for two consecutive weeks. Said notice shall generally describe the property, designate the hour and day of the sale, and the place of the sale. The sale shall be conducted within ten days of the date of final publication of the notice of sale on the City's official website.

1.34.030 Sales.

All sales shall be made to the highest and best bidder at a public sale in such manner as may be determined by the City Council.

1.34.040 Sales – Cash – Property transfer.

All sales shall be for cash and no property will be transferred until final payment has been received.

1.34.050 Proceeds.

Proceeds of sales must be paid to the City Finance Department who shall provide a receipt therefore and credit the sale amount to the fund from which the property originated.

1.34.060 Disposal of unsold property.

Any property left unsold shall be disposed of as determined by the responsible department and the City Council.

1.34.070 Exceptions.

(a) The Revised Code of Washington imposes special conditions for the disposition of municipal property. Where necessary, city officials shall comply with those laws, treating them as limited exceptions to this Chapter. Exceptions include, but are not limited to, the following as they may from time to time be amended:

- A. RCW 27.12.305 and .320 – disposition of library materials;
- B. RCW 35.21.088 – equipment rental;
- C. RCW 35.21.660 through .690, .725 through .775 – transfers to municipally chartered corporations;
- D. RCW 35.21.820 – ride-sharing vehicles;
- E. RCW 35.94 – surplus utility property;
- F. RCW 39.33 and 39.34 – intergovernmental agreements; alternate method for intergovernmental disposition of property;
- G. RCW 46.52.145 – disposition of abandoned junk motor vehicles; and
- H. RCW 63.21 and 63.32 – disposition of found or unclaimed property in the hands of the police.

(b) In addition to any applicable statutory exceptions, the following items shall be excepted from the requirements of this chapter:

- (1) Law enforcement weapons of any kind; and
- (2) Canines trained for law enforcement purposes.

SECTION II

If any section, subsection, sentence, clause or phrase of this Ordinance is declared or adjudged by a court of competent jurisdiction to be invalid or unconstitutional, such adjudication shall in no manner affect the remaining portions of this Ordinance which shall be in full force and effect as if said section, subsection, sentence, clause or phrase so declared or adjudged in valid or unconstitutional were not originally a part hereof.

SECTION III

This Ordinance shall be in full force and effect thirty (30) days after passage and publication as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF WENATCHEE this
12th day of Feb., 2009.

CITY OF WENATCHEE, a municipal corporation

By:


DENNIS JOHNSON, Mayor

Don Gurnard
Mayor Pro-Tem

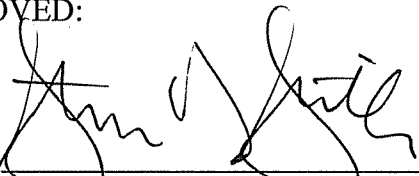
ATTEST:

By:


VICKI REISTER, City Clerk

APPROVED:

By:


STEVE D. SMITH, City Attorney